

loss which they may sustain by the defalcation, misfeasance or malfeasance of such clerk or register.

1904, art. 90, sec. 6. 1902, ch. 457, sec. 5 A. 1902, ch. 590.

6. Any surety or the personal representative of any surety upon the bond of trustees, committee, guardian, assignee, receiver, executor, administrator, or any other fiduciary may apply by petition to the court wherein said bond is directed to be filed or which may have jurisdiction of said fiduciary, praying to be relieved of further liability as such surety for the acts or omissions of such fiduciary which may occur after the date of the order relieving said surety; any order or decree for such relief shall require such fiduciary to show cause why he should not account and said surety be relieved from further liability as aforesaid and said fiduciary be required to give a new bond; and shall be made returnable at such time and place and to be served in such manner as said court may direct, and said court may restrain such fiduciary in the meantime from acting except in such manner as it may direct to preserve the estate; and upon the return of such order to show cause, if the fiduciary account in due form of law and file a new bond duly approved, then said court shall make an order releasing said surety from liability upon the bond for any subsequent act or default of the fiduciary, and in default of said fiduciary accounting and filing such new bond, the said court shall make an order directing such fiduciary to account and file a new bond within thirty days; and if he shall so account and file a new bond, duly approved, such surety shall be discharged from all further liability for the acts or omissions of the fiduciary after the date of such surety being so relieved or discharged; and if such fiduciary shall fail, within the time specified by order of court, to account and file a new bond as directed therein, the court shall remove such fiduciary and appoint a successor in the trust, who shall be authorized to proceed against such fiduciary and his bond for the recovery of the estate. The cost of proceeding under this section shall be taxed in the discretion of the court; provided that the court before releasing such surety shall adjudge what proportion, if any, of the money paid such surety for going on such bond shall be returned to the estate or party paying the same.

1906, ch. 409.

7. Any surety or the personal representative of any surety, upon the official bond of any State, county, municipal or other public officer who is, by the constitution of the State of Maryland, or by any law, ordinance, rule or regulation, required to give such bond, may be discharged from further liability as such surety upon application by petition to the court, judge, officer, board or other person or persons or body having authority to approve such bond, who shall thereupon immediately, by order reciting such application, require such public officer to furnish a new bond in the same manner as if none had ever been given by him within thirty days after personal service of such order. Such